

## **REMARKS**

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-20 and 22 have been amended. New claim 54 has been added. Claims 23 and 24 have been cancelled without prejudice or disclaimer. No new matter has been added. Claims 1-22 and 25-54 are pending of which claims 21 and 25-53 are withdrawn from consideration.

### ***Rejections under 35 U.S.C. § 112, first paragraph***

Claim 22 was rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claim 22 has been amended to address the issue raised by the Office Action.

### ***Rejections under 35 U.S.C. § 112, second paragraph***

Claims 22-24 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claim 22 has been amended to address the issue raised by the Office Action. The rejection with respect to claims 23 and 24 is moot in light of the cancellation of those claims.

### ***Rejections under 35 U.S.C. § 101***

Claims 23 and 24 rejected under 35 U.S.C. §101. This rejection is moot in light of the cancellation of claims 23 and 24.

### ***Rejections under 35 U.S.C. §§ 102 and 103***

Claims 1-14, 17-19, 23 and 24 were rejected under 35 U.S.C. §102(b), as being anticipated by U.S. Patent No. 5,068,871 to Uchida (“Uchida”). Claims 15, 16 and 20 were rejected under 35 U.S.C. §103(a), as being unpatentable over Uchida in view of U.S. Patent No. 6,334,928 to Sekine et al. (“Sekine”).

Independent claim 1, as amended, recites:

A film-forming apparatus comprising:

- a container to be depressurized;
- a depressurizing mechanism coupled to said container for depressurizing an inside of said container;
- a film-forming material supply apparatus coupled to said container for supplying a film-forming material or a film-forming material precursor into said container; and
- a substrate-placing portion located inside said container for placing a substrate on which the film-forming material is deposited,

wherein said film-forming material supply apparatus comprises:

- an evaporation mechanism, located outside said container, for evaporating said film-forming material or said film-forming material precursor to produce an evaporated film-forming material or an evaporated film-forming material precursor; and*
- directing means coupled to said evaporation mechanism and said container and for using a transport gas to direct the evaporated film-forming material or the evaporated film-forming material precursor towards said substrate that is placed on said substrate-placing portion.*

Uchida and Sekine fail to disclose or suggest at least the above italicized combination of features of claim 1, where the evaporation mechanism is located outside the container, which contains the substrate-placing portion, to be depressurized, and a directing means coupled to the evaporation mechanism and the container and for using a transport gas to direct the evaporated film-forming material or the evaporated film-forming material precursor towards the substrate that is placed on the substrate-placing portion.

Uchida discloses an apparatus including a depressurized chamber 3 with a substrate holder 21 therein, and a heating chamber 1 for making a reactant gas into an activated gas (See FIG. 1, col. 5, lines 35-40, col. 7, lines 5-6). The heating chamber includes electrodes 13 and a porous heating element 14 (col. 6, lines 30-33).

Uchida, however, in contrast to claim 1, does not disclose the combination of features of an evaporation mechanism located outside the container, which contains the substrate-placing portion, to be depressurized, and a directing means coupled to the evaporation mechanism and the container and for using a transport gas to direct the evaporated film-forming material or the evaporated film-forming material precursor towards the substrate that is placed on the substrate-placing portion. The Patent Office equates the electrodes 13 and

porous heating element 14 of Uchida with the evaporation mechanism as recited. Presuming for the sake of argument that the electrodes 13 and porous heating element 14 of Uchida could be considered to be an evaporation mechanism, Uchida does not disclose the electrodes 13 and porous heating element 14 located outside its depressurized chamber 3. Moreover, Uchida does not disclose any directing means, as recited in claim 1, coupled to the evaporation mechanism and the container and for using a transport gas to direct the evaporated film-forming material or the evaporated film-forming material precursor towards the substrate that is placed on the substrate-placing portion. Thus, Uchida fails to anticipate claim 1.

Sekine was cited for disclosing other features of the claims, but fails to cure the deficiencies of Uchida.

The dependent claims under consideration depend either directly or indirectly from claim 1, and are patentable for at least the same reasons, as well as for further patentable features recited therein.

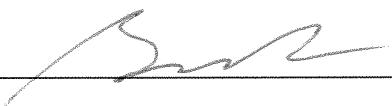
Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 10/25/2010

By 

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 945-6014  
Facsimile: (202) 672-5399

George C. Beck  
Attorney for Applicant  
Registration No. 38,072

Thomas G. Bilodeau  
Attorney for Application  
Registration No. 43,438